

REMARKS

This application has been reviewed in light of the Office Action dated February 16, 2005. Claims 1-18 are now pending in the application. Claims 1, 2, 13, 15 and 17 have been amended to clarify the invention. No new matter has been added. The Examiner's reconsideration of the rejection in view of the following remarks is respectfully requested.

By the Office Action, claims 1-4, 7, 9, 13, 15 and 17 stand rejected under 35 U.S.C. §102(a) as being anticipated by PCT application WO 00/08706 to Park et al. (hereinafter Park).

The Applicant respectfully disagrees with the rejection.

Park is directed to a system which seeks to determine a transmission power that provides an appropriate power level for successful wireless communication. Park discloses a procedure which is substantially different from that provided in accordance with the present invention. For example, in FIG. 2 of Park, a base station (BS) sends a pilot signal 212 to a mobile station (MS). The BS initiates the process. The MS measures the pilot signal strength and provides a pilot strength report 216 to the BS. At this point, the BS determines a power for transmission (218).

The present invention, in claim 1, recites, *inter alia*, [a] secondary station transmitting an uplink signal on the random access channel giving an indication of the radio channel characteristics, and the primary station transmitting a signal on the downlink channel at a power level and/or bit rate which takes into account the indicated radio channel characteristics, wherein the transmitting of the uplink signal is a first communication to which the transmitting of the downlink signal is responsive.

The secondary station initiates communication (See, e.g., specification at page 5, lines 3-5, and FIG. 3) by sending an uplink signal to the primary station. This is performed without initial action by the primary station. By transmitting an uplink signal, an indication of the transmission

strength is determined by the primary station at the beginning of the process without the need for a pilot signal and the associated delay and energy expended as provided in Park.

Park fails to disclose or suggest, *inter alia*, [a] secondary station transmitting an uplink signal on the random access channel giving an indication of the radio channel characteristics, and the primary station transmitting a signal on the downlink channel at a power level and/or bit rate which takes into account the indicated radio channel characteristics, wherein the transmitting of the uplink signal is a first communication to which the transmitting of the downlink signal is responsive.

It should be understood that Park requires a Pilot signal 212 sent first by the base or primary station which initiates the communication process.

Furthermore, the signal being measured to determine an amount of adjustment in Park is the signal sent by the base station. In stark contrast, the signal used in accordance with the present invention is the signal which is initiated by the second station (e.g., the mobile station) and provides the appropriate information to be employed to adjust the primary station's power (e.g., base station). Based on the information included in the secondary station signal, the power or other characteristics of the primary station's downlink signals may be adjusted.

Similar amendments, as provided to claim 1, are applied to claims 2, 13, 15 and 17. In addition, the rationale for allowing claims 2, 13, 15 and 17 is the same as set forth above for claim 1. For at least the reasons presented, the present claims are believed to be in condition for allowance and not anticipated by Park. Reconsideration of the rejection is earnestly solicited.

By the office action, claims 5 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of EP 0913957 A1 to Cao et al. (hereinafter Cao).

The Applicant respectfully disagrees with the rejection.

Cao is directed to a system which works in a similar way to Park, namely, the power determination process is initiated by the base station. Cao fails to cure the deficiencies of Park in at least this respect. Therefore, claims 5 and 8 are believed to be in condition for allowance at least due to their dependency from claims 1 or 2. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of U.S. Patent 5,465,399 to Oberholtzer et al. (hereinafter Oberholtzer). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of U.S. Patent 6,249,515 to Kim et al. (hereinafter Kim). Claim 12, 14, 16 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park in view of U.S. Patent 5,920,287 to Belcher et al. (hereinafter Belcher).

The Applicant respectfully disagrees with these rejections.

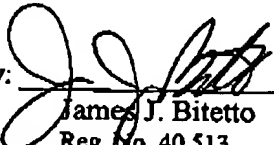
Claims 10, 11, 12, 14, 16 and 18 are believed to be in condition for allowance at least due to their dependency from their respective independent claims. Reconsideration of the rejections is earnestly solicited.

The Applicant notes with appreciation the allowability of claim 6 if rewritten in independent form with all of the elements of the base claim and intervening claims. The Applicant reserves the right to take claims 1 and 2 in their original form and combine them with allowable claim 6. The Applicant also notes with appreciation the specificity and thoroughness of the Examiner in the Office Action.

However, in view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

By:  5/13/05
James J. Bitetto
Reg. No. 40,513

Correspondence Address:

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510